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4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT TACOMA

7 VERNAL GEORGE GARVEY,

8 Petitioner,

9 v.

10 STATE OF WASHINGTON,

11 Respondent.

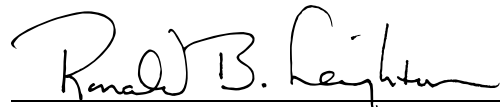
No. 3:19-CV-6172-RBL-DWC

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

12 The Court, having reviewed the Report and Recommendation of Magistrate Judge David  
13 W. Christel, objections to the Report and Recommendation, if any, and the remaining record,  
14 does hereby find and ORDER:

- 15 (1) The Court adopts the Report and Recommendation.  
16 (2) Petitioner's federal habeas Petition is dismissed without prejudice.  
17 (3) A certificate of appealability is denied in this case. *In forma pauperis* status is  
18 denied on appeal.  
19 (4) The Clerk is directed to send copies of this Order to Petitioner, counsel for  
20 Respondent, and to the Hon. David W. Christel.

21 **DATED** this 13<sup>th</sup> day of February, 2020.  
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25 Ronald B. Leighton  
26 United States District Judge